

HONORABLE MARSHALL FERGUSON
 GEORGE J. B. U. X. A. G. A. J. K. E. A. F.
 S. O. A. O. U. W. P. V. Y.
 U. M. U. O. U. Q. U. A. O. U. W. U. V. A. O. S. O. U. S.
 O. E. Z. S. O. O.
 O. O. E. U. O. A. M. F. E. G. H. F. F. E. A. U. O. E.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GARFIELD COUNTY
TRANSPORTATION AUTHORITY;
KING COUNTY; CITY OF SEATTLE;
WASHINGTON STATE TRANSIT
ASSOCIATION; ASSOCIATION OF
WASHINGTON CITIES; PORT OF
SEATTLE; INTERCITY TRANSIT;
AMALGAMATED TRANSIT UNION
LEGISLATIVE COUNCIL OF
WASHINGTON; and MICHAEL
ROGERS.

Plaintiffs,

V.

STATE OF WASHINGTON.

Defendant.

No. 19-2-30171-6 SEA

SUPPLEMENTAL DECLARATION
OF MATTHEW J. SEGAL IN
SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY
INJUNCTION

I, MATTHEW J. SEGAL, declare as follows:

1. I am a partner at Pacifica Law Group LLP, and counsel of record for Plaintiffs Washington State Transit Association, Association of Washington Cities, Port of Seattle, Garfield County Transportation Authority, Intercity Transit, Amalgamated Transit Union Legislative Council of Washington, and Michael Rogers in this matter. I am over the age of eighteen and am competent to make this declaration.

SUPPLEMENTAL DECLARATION OF MATTHEW J. SEGAL IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION - 1

PACIFICA LAW GROUP LLP
1191 SECOND AVENUE
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TELEPHONE: (206) 245-1700
FACSIMILE: (206) 245-1750

1 2. Attached hereto as **Exhibit C** is a true and correct copy of a document issued by
2 the Washington State Department of Transportation regarding the passage of Initiative 976 and
3 the resulting impacts to transportation revenue sources, and identifying projects that will be
4 delayed. This document was signed by Roger Millar, the Washington Secretary of
5 Transportation, and was issued on November 26, 2019. I first received a copy of this document
6 today at approximately 3:45 pm.
7

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.
10

11 Executed this 26th day of November, 2019, Seattle, Washington.
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13 /s/ Matthew J. Segal
14 Matthew J. Segal
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CERTIFICATE OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the United States, over the age of 21 years and not a party to this action. On the 26th day of November, 2019, I caused to be served, via the King County E-Service filing system, and via electronic mail per agreement of the parties, a true copy of the foregoing document upon the parties listed below:

Contacts for Plaintiff King County:

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Contact for Defendant State of Washington:

Alan D. Copsey, Deputy Solicitor General
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DATED this 26th day of November, 2019.



Sydney Henderson

EXHIBIT C

November 26, 2019

In response to the passage of I-976 and resulting cuts to transportation revenue sources, Governor Inslee directed WSDOT to postpone projects not yet underway. By delaying the obligation of funds, WSDOT provides the Governor and Legislature more funding flexibility as they determine how to amend the 2019-21 transportation budget to implement I-976 during the legislative session.

WSDOT knows that the loss to transportation accounts used by our agency during the 2019–21 biennium is estimated to be \$451 million out of a \$6.7 billion biennial budget, assuming an implementation date of Dec. 5, 2019. For 2021–23, the effect for the full biennium is estimated at \$645 million, and for 2023–25 the revenue loss is estimated at \$726 million. This is a significant loss to specific programs supported by our agency budget.

The attached list identifies delayed projects including:

- Construction projects that add capacity to the transportation system scheduled to go out to advertisement in the next six months (including any unexecuted consultant agreements related to these projects).
- State funded local agency projects with no executed agreement or projects that have a portion of the funds not under agreement.
- Rail grant projects with no executed agreements.
- Public Transportation grant projects with no executed agreement and/or no purchase order of equipment or vehicles have yet been placed.

WSDOT is assuming a delay of these projects for at least six months. It is important to note that projects and grants *not* included in the attached list may also be affected by legislative deliberations to amend the 2019-21 transportation budget to reflect passage of I-976. Additionally, all new grant funded project solicitations will be on hold until we are given further direction by the Legislature and Governor.

The work to determine which projects are postponed is not simple, nor a task taken lightly. This list reflects deliberative work as transportation projects are complex. Each project is unique in terms of current project phase, how they are funded and structured— often a blend of local, state and federal dollars – and all required close examination to determine what postponement could mean from a funding and contractual perspective. If you have questions or concerns, you should contact the following WSDOT staff:

- Capacity expanding projects, please contact your WSDOT region administrator:
 - Northwest region administrator, Mike Cotten, (206) 440-4693
 - Olympic region administrator, John Wynands, (360) 357-2658
 - Southwest region administrator, Carley Francis, (360) 905-2001
 - South Central region administrator, Todd Trepanier, (509) 577-1620
 - North Central region administrator, Dave Bierschbach, (509) 667-3001
 - Eastern region administrator, Mike Gribner, (509) 324-6010
- Local agency projects, Kathleen Davis, (360) 705-7871
- Rail grant projects, Ron Pate, (360) 705-6903
- Public transportation grant projects, Brian Lagerberg, (360) 705-7878, or Don Chartock, (360) 705-7928

November 26, 2019

Page Two

This list does not include preservation, specific safety-related projects, fish passage, or specific grant projects designed to serve or keep vulnerable populations safe. Preservation and safety projects will move forward and are critical to the safe operation of our multimodal transportation system. Fish passage projects are also moving forward to ensure the state meets the federal court injunction deadline. Grant projects that are designed to serve or keep vulnerable populations safe include programs such as bike/ped safety grants, safe routes to school grants and public transportation programs like state special needs and rural mobility grants.

We are all navigating a challenging situation. It will be months before we have a definitive plan in the form of an amended 2019-21 transportation budget by the Legislature and the Governor. My commitment to you is an open, two-way dialogue as we move forward into the legislative session.

Sincerely,

Roger Millar, P.E., FASCE, FAICP
Secretary of Transportation

WSDOT 6 Month Construction Project Deferral List

11/26/19

Project Number (PIN)	Project Title	State Route	Work Item (WIN)	Contract	Contract Size (in millions)
501213X	US 12/Nine Mile Hill to Frenchtown Vic - Build New Highway	12	E01213X	Build New Highway	100M-200M
109065K	I-90/Raging River Bridge to Bandera Vic - Stormwater Retrofit	090	A09065K	Stormwater Retrofit	1M-2M
809936E	SR 99/S King St Vic to Roy St - Viaduct Replacement	099	U09904D	S Surface Street Connections	10M-15M
501213X	US 12/Nine Mile Hill to Frenchtown Vic - Build New Highway	12	E01218V	Irrigation Relocation	under 1M
100591R	I-5/Northbound On-Ramp at Bakerview - Improvements	005	A53904B	Mitigation Site	under 1M
509093B	I-90/Easton Hill to W Easton I/C WB - Replace Bridge and Build Detour	090	E09093B	Replace Bridge-Build Detour	10M-15M
316132A	SR 161/31st Ave SW Overpass - Improvements	161	C16132B	Widening & Interchange Impr.	under 1M
539504O	US 395/Ridgeline Drive - Construct Interchange	395	E39504O	Construct Interchange	10M-15M
150907E	SR 509/I-5 & SR 516 I/C to 28th/24th Ave S - SR 509 Completion Stage 1	509	A50907E	Widening & Toll Lanes	200M-300M
509016O	I-90/Canyon Rd Interchange - EB Ramp Terminal Improvements	090	E09016O	Compact Roundabout	under 1M
600015F	US 395/NSC Spokane River to Columbia - Shared Use Path	000	F00015F	Shared Use Path	10M-15M
500009W	I-90, US 97 & SR 970 Ellensburg Vic - CED Planning and Mitigation	970	E00009W	Reach Assessment/Gap Analysis	under 1M
100591R	I-5/Northbound On-Ramp at Bakerview - Improvements	005	A00591R	Construct NB On-Ramp	4M-5M
100521X	I-5/NB Seneca St to Olive Way - Mobility Improvements	005	A00522W	Add Additional Lane	15M-20M
401419B	SR 14/E of Bingen - Port of Klickitat Access Improvements	014	D01419B	Grade separated Rail Crossing	10M-15M
600015M	US 395/NSC Sprague Ave to Spokane River	395	F00015L	Construct New Lanes	45M-50M
450119A	SR 501/I-5 to Port of Vancouver - Intersection and Profile Improvements	501	D50120A	Roadway Improvements	4M-5M
100910K	SR 9/SR 204 Intersection - Improvements	009	A00910M	Additional NB Lane	5M-10M
609049L	I-90/Barker to Harvard - Improve Interchanges and Local Roads	090	F09049L	Connect Local Roads	1M-2M
609049M	I-90/Barker Rd Intersection Improvements	090	F09049M	EB Off-Ramp Roundabout	1M-2M
609067D	I-90/Medical Lake I/C to Geiger Field I/C - Reconstruction - Phase 2	090	F09067D	Upgrade Interchange	5M-10M
852005E	SR 520/I-5 Interchange - Improvement	520	U52005E	HOV Ramp connection	60M-70M
609049R	I-90/Barker to Harvard - WB on-Ramp Improvement	090	F09049R	WB ramp improvements	2M-3M
609049S	I-90/Barker to Harvard - Add Lane Harvard Rd Bridge	090	F09049S	Add Lane to Bridge	3M-4M
539503X	US 395/Pasco - Flamingo Mobile Home Park Noise Walls	395	E39503X	Install Noise Walls	2M-3M
524003O	SR 240/Richland Corridor Improvements	240	E24003O	Intersection Improvements	1M-2M

State Funded Local Agency Projects Deferral List

11/26/19

Project Number (PIN)	Lead Agency	Project Title	State Funding (in thousands)	Comments
L2000065	Battle Ground	SR 502/Main Street Project/Widening	5,206	Construction not under agreement
L2000120	Bellingham	Orchard Drive Extension (Birchwood Ave)	9,727	Construction not under agreement
L2000328	Bingen	Bingen Walnut Creek & Maple Railroad Crossing	800	
L2000339	Bremerton	SR 303 Warren Ave Bridge Pedestrian Improvements	1,500	
L2000274	Chelan	Traffic Improvements	193	Construction not under agreement
L2220059	Covington	SR 516 Jenkins Creek to 185th Pl SE	13,010	Construction not under agreement
L2000104	Covington	Covington Connector	22,360	Construction not under agreement
L1000224	DuPont	Dupont-Steilacoom Rd Improvements	3,900	
L1000283	Federal Way	South 314th St Improvements	300	
L1000087	Fife	I-5/Port of Tacoma Interchange	16,200	Stage 2 Construction not under agreement
L1000249	Island Co.	Clinton to Ken's Corner Trail	860	
L1000182	Issaquah	SR 900-12th Ave NW Enhanced Turning Capacity	1,500	
L2000263	Kenmore	SR 522 Crossing Study	500	
WLBTRSTL	King Co.	Wilburton Trestle	2,500	
G2000078	King Co.	Redmond Ridge NE Roundabout	800	
L2000277	Klickitat Co.	Courtney Road	1,500	
L1000244	Lake Forest Park	SR 104 / 40th Place NE Roundabout	650	
L1000282	Lewis Co.	Mickelson Parkway	750	
L1000222	Longview	Beech Street Extension	1,000	
N52400R	Lynnwood	196th Street SW (SR 524: 48th Ave-37th Ave)	9,985	Construction not under agreement
L2000242	Marysville	Centennial Trail Connector -Phase 3	463	Construction not under agreement
L1000195	Mountlake Terrace	Main Street Revitalization	360	
L2000066	Pasco	Lewis Street Overpass	13,600	Construction not under agreement
L2000205	Port of Centralia	I-5 / Mellen Street Connector	6,843	Construction not under agreement
L2000262	Port of Vancouver	Columbia River Renaissance Trail Connection	500	
N30500R	Poulsbo	Noll Road South Segment	5,359	WSDOT CWA contribution -Construction not under agreement 12/2019 Ad 18M
L1000081	Redmond	Community Facilities District Improvements	1,819	Stage 4 Construction request scope change - 12/2019 Ad 17M-18M
L1000250	Renton	I-405/44th Gateway Signage & Green-Scaping Improvements	210	
L1000193	Renton	Bronson Way Bridge - Seismic Retrofit and Painting	2,380	Construction not under agreement
L2000132	Richland	Duportail Street Bridge	1,685	Stage 2 Construction not under agreement
L1000284	Ridgefield	Ridgefield South I-5 Access Planning	250	
L1000094	Sammamish	Issaquah-Fall City Road	1,500	Stage 2 Construction not under agreement
L1000260	Shelton	Wallace Kneeland and Shelton Springs Road Intersection	650	

State Funded Local Agency Projects Deferral List

11/26/19

Project Number (PIN)	Lead Agency	Project Title	State Funding (in thousands)	Comments
L1000148	Shoreline	SR 523 - 145th Street	12,500	
L2000272	Stanwood	90th Avenue NW Extension (Viking Ave)	500	Construction not under agreement - 12/2019 Ad 3M-4M
L1000285	Washougal	Washougal 32nd St Underpass Design & Permitting	300	
L2000342	Yakima	48th / Washington Improvements	650	
L2000341	Yakima	72nd / Washington Improvements	1,000	

Rail Grant Project Deferral List

11/26/19

Project Number (PIN)	Lead Agency / Grant Recipient	Project Title	State Funding (in thousands)
700401A	Spokane Spangle & Palouse Railway	SSPR- Marshall to Oakesdale Track Rehab (2019 FRAP)	\$ 780
700602A	Washington Eastern Railway	Washington Eastern - Track Rehab - MP11-24, 37-57 (2019 FRAP)	\$ 812
720201A	Columbia Walla Walla Railroad	Columbia Walla Walla Railroad - Aggregate Hopper Cars (2019 FRAP)	\$ 312
744210A	Puget Sound and Pacific Railroad	Puget Sound & Pacific Railroad - Hoquiam Bridge (2019 FRAP)	\$ 874
741001A	Connell	Connell Rail Interchange - Construction	\$ 9,550
710422A	Spokane International Airport	Spokane Airport Transload Facility	\$ 500

Public Transportation Grant Project Deferral List

11/26/19

Project Number (PIN)	Lead Agency	Title	Program	2019-21 Award (actual amount)
20190003	Ben Franklin Transit	Ben Franklin Transit: West Pasco Multimodal Hub	Regional Mobility	\$ 3,206,721
20190004	City of Kent	City of Kent: Rapid Ride Facility Passenger Amenities & Access Improvements.	Regional Mobility	\$ 1,235,955
20190007	Ben Franklin Transit	Ben Franklin Transit: Duportail Multimodal Hub	Regional Mobility	\$ 1,356,559
20190008	Ben Franklin Transit	Ben Franklin Transit: Downtown Pasco Multimodal Hub	Regional Mobility	\$ 1,551,958
20190009	Seattle DOT	Seattle DOT: Market/45th RapidRide	Regional Mobility	\$ 4,000,000
20190010	Spokane Transit Authority	Spokane Transit Authority: Cheney HP Transit Cor. Imp. & Vehicle Acquisition	Regional Mobility	\$ 2,303,000
20190011	City of Burien	City of Burien: Ambaum Blvd and H Line Transit Pathway Improvements	Regional Mobility	\$ 10,000,000
20190016	City of Longview-RiverCities Transit	City of Longview-RiverCities Transit:Lexington Connector Exp.	Regional Mobility	\$ 292,000
20190A19	Spokane County	Spokane County CTR Office: Liberty Lake Shuttle	Regional Mobility	\$ 112,600
G2000032	King County Metro	King County Metro - Route 40 Northgate to Downtown	Transit (Tier) Projects	\$ 1,000,000
N/A	Ben Franklin Transit	Replace and/or Purchase 120 new vans	Vanpool	\$ 2,574,000
N/A	Clallam Transit	Replace and/or Purchase 10 new vans	Vanpool	\$ 214,500
N/A	Community Transit	Replace and/or Purchase 26 new vans	Vanpool	\$ 1,498,200
N/A	C-TRAN	Replace and/or Purchase 1 new vans	Vanpool	\$ 21,450
N/A	Garfield County	Replace and/or Purchase 2 new vans	Vanpool	\$ 74,700
N/A	Grant Transit	Replace and/or Purchase 5 new vans	Vanpool	\$ 169,950
N/A	Grays Harbor Transit	Replace and/or Purchase 5 new vans	Vanpool	\$ 107,250
N/A	Intercity Transit	Replace and/or Purchase 12 new vans	Vanpool	\$ 257,400
N/A	Island Transit	Replace and/or Purchase 24 new vans	Vanpool	\$ 514,800
N/A	King County Metro	Replace and/or Purchase 188 new vans	Vanpool	\$ 2,898,700
N/A	Kitsap Transit	Replace and/or Purchase 15 new vans	Vanpool	\$ 321,750
N/A	Skagit Transit	Replace and/or Purchase 7 new vans	Vanpool	\$ 150,150
N/A	Spokane Transit Authority	Replace and/or Purchase 8 new vans	Vanpool	\$ 359,700
N/A	Sound Transit	Regional Transit Marketing Program	Transit Coordination	\$ 1,000,000